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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/776,956

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Proflowers -P1-01

2313

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08/19/2008

EXAMINER

PHAM, THIERRY L

ART UNIT

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2625

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/776,956	<b>Applicant(s)</b> POLIS ET AL.	
	<b>Examiner</b> THIERRY L. PHAM	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

- This action is responsive to the following communication: RCE filed on 5/27/08 and preliminary amendment filed on 6/2/08.
- Claims 1-20 & 22-44 are currently pending, wherein claims 29-44 are newly added; claim 21 has been canceled.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/27/08 has been entered.

### ***Claim Objections***

Claim 24 is objected to because of the following informalities: Claim must be dependent upon preceding claim, not later claim. For example, claim 24 can not be dependent upon claim 28. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Laurush ET al (US 5413383).

Regarding claim 18, Laurush teaches a process including:

Art Unit: 2625

- providing a sheet (multiple parts on a single sheet, fig. 1) comprising parts that include at least two of a packing list (fig. 1), a customizable component (fig. 1, col. 2, lines 42-50), and a shipping sheet (fig. 1);
- separating the parts (col. 2, lines 19-20) prior to shipping (side panels or invoice are separated from the shipping ticket for internal record, col. 5, lines 55-59) a package (col. 3, lines 56-58) with the shipping sheet part, located outside the package during the shipping (shipping label that includes mailing address is located outside the shipping box, col. 5, lines 29-46).

Laurush does not specific teach and/or suggest that no more than at least two parts located outside the package during shipping.

Shipping label as taught by Laurush is implemented via using coated adhesive and separated into multiple plies/parts, and wherein each ply/part has its own purpose. For example, side panels 22, 24 may also include both variable and non-variable printed information relating to the order, customer, location, quantity, etc. Such information may be used internally by the shipper or manufacturer to track and/or locate inventory and fill the order from a warehouse or other shipping facility. Therefor, any unnecessary plies/parts (company's tracking inventory sheet, company's copy, and etc) that are not relevant to the customer can be separated and will not be shipped to the customers. In addition, since label 10 can be separated into plurality of pieces, therefore, it would have been obvious to attach only shipping label part (the part that contains customer address) to the package that is needed for shipping, and any other relevant parts/plies (e.g. product description, product quantity, product cost, account information, and etc) to the customer can be separated and placed inside the package. It would have been obvious to one of ordinary skill in the art to only attach the shipping label to the package and not other information (product description, account information, and etc). Doing so, it prevents carriers to view the description of the product content and/or user's account information, and etc.

Regarding claim 19, Laurush further discloses the process of claim 18, wherein the shipping does not include shipping the packaging list part with the package (e.g. warehouse packing is not require in the package to be shipped, col. 4, lines 50-60, note: shipping label is taught by Laurush is implemented via using coated adhesive and separated into multiple plies,

therefore, any unnecessary plies can be eliminated from shipping to the customers, for example, company's inventory tracking and/or invoice and etc).

Regarding claim 20, Laurush further discloses the process of claim 19, wherein the shipping includes shipping the customizable component part within the package (e.g. warehouse packing is not require in the package to be shipped, col. 4, lines 50-60, note: shipping label is taught by Laurush is implemented via using coated adhesive and separated into multiple plies, therefore, any unnecessary plies can be eliminated from shipping to the customers, for example, company's inventory tracking and/or invoice and etc, in other words, senders can choose what documents to be included in the package).

Claims 1-3, 10, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurush et al (US 5413383), and in view of Martin et al (US 5809479)

Regarding claim 1, Laurush discloses a process including:

- providing a singular sheet (fig. 1) comprising a courier waybill area (middle panel, fig. 1) and at least one of a packing list area (upper panel, fig. 1) and a customizable component area, wherein
- if one of the at least one area includes the packing list area, printing a packing list (middle panel, fig. 1) on the packing list area, and
- if one of the at least one area includes the customizable component area (customizable information can be either text or graphic including company Logo, fig. 1), printing a customizable component on the customizable component area, the customizable component comprising a personalized message; and
- printing (sample of printed shipping label, fig. 1) on the waybill area, a courier waybill and a ship date (ship date, fig. 1).

However, Laurush does not teach and/or suggest a customer-specified date.

Martin, in the same field of endeavor for shipping products, teaches a well-known example of a customer-specified date (customer-requested delivery dates, fig. 1, abstract, col. 3, lines 33-40 and lines 64-65).

Art Unit: 2625

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify shipping label of Laurush to include customer-specified date as taught by Martin so it allows the carriers and customers to easily identify the customer-requested delivery dates to ensure the product (e.g. package/mail) is arrived on time and to allow supplier to measure its delivery performances along many other features as taught by Martin (col. 5, lines 47-58).

Therefore, it would have been obvious to combine Laurush with Martin to obtain the invention as specified in claim 1.

Regarding claim 2, Laurush further teaches the process of claim 1, wherein the sheet includes the customizable component area (middle panel, fig. 1).

Regarding claim 3, Laurush further teaches the process of claim 1, wherein the sheet includes the packing list area and the customizable component area (fig. 1).

Regarding claim 10, Laurush further teaches the process of claim 1, wherein the sheet includes the customizable component area and further including: separating (demarking, fig. 1) the printed areas into respective pieces; locating both the customizable component piece and the goods within a package; and shipping (col. 3, lines 58-60) the package, with the customizable component within the package, in accordance with waybill; shipping (col. 3, lines 58-60) the package, with the customizable component within the package, in accordance with the waybill located outside the package.

Regarding claim 17, Laurush further teaches the article produced by the process of any one of claims 1-16 (shipping label as shown in fig. 1).

Claims 4-9, 11-16, 22-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurush and Martin as applied to claim 1 above, and further in view of Kara (US 6208980).

Regarding claims 4-5, 9, 15-16, 22, 28, 29, 34, 40-41, 42, 44, the combination of Laurush and Martin fail to teach and/or suggest wherein printing on a customizable component a personal message, preexisting art work, type of flowers from a customer to a recipient on a shipping label.

Kara, in the same field of endeavor printing on a shipping label (fig. 13), teaches a well-known example of printing on a customizable component a personal message from a customer to a recipient (e.g. Happy Birthday, flower art work as shown in fig. 13 & 16, col. 20, lines 22-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify shipping label of Laurush to a personal message from a customer to a recipient on a shipping label as taught by Kara so that customer does not need a separate card/letter for personal message, therefore, it saves customer's cost of shipping additional card/letter.

Therefore, it would have been obvious to combine Laurush with Martin with Kara to obtain the invention as specified in claim 22.

Regarding claim 23, Laurush further teaches the process of claim 22, wherein the at least two components comprise all three of said components (fig. 1). Also see fig. 16A of Kara for three components.

Regarding claim 24, Laurush further teaches a sheet produced by the process of any of claims 18-20-22, and 28 (fig. 1 of Laurush and see fig. 16A of Kara).

Regarding claims 25-27 recites limitations that are similar and in the same scope of invention as to those in claims 22-24, 28 above; therefore, claims 25-27 are rejected for the same rejection rationale/basis as described in claims 22-24, and 28 above.

Regarding claim 29, Kara further teaches the wherein the printing is facilitated by a TCP/IP communication (fig. 1b, col. 12, lines 22-45).

Art Unit: 2625

Regarding claims 30-34 recites limitations that are similar and in the same scope of invention as to those in claims 22-24, 28 above; therefore, claims 30-34 are rejected for the same rejection rationale/basis as described in claims 22-24, and 28 above.

Regarding claims 6-8, 13-14, 35-36, and 39, combinations of Laurus, Martin and Lara further teach wherein the printing of the waybill is carried out at a distribution center (supplier as taught by Martin, col. 4, lines 24-65) and is facilitated by receiving, at the distribution center, shipping signals from a courier shipping computer system (network such as Internet, col. 12, lines 21-45, as taught by Lara obvious allows multiple clients including customer computer, courier computer, supplier/vendors to communicate with one another) communicated from an ordering center system (ordering system as taught by Martin, col. 4, lines 24-65).

Regarding claims 11-12 & 43, Laurush further teaches separating the printed areas into respective pieces prior to shipping a package and the waybill piece, such that the waybill is outside the package, but no other of said printed pieces is outside of the package, during the shipping. Shipping label as taught by Laurush is implemented via using coated adhesive and separated into multiple plies/parts, and wherein each ply/part has its own purpose. For example, side panels 22, 24 may also include both variable and non-variable printed information relating to the order, customer, location, quantity, etc. Such information may be used internally by the shipper or manufacturer to track and/or locate inventory and fill the order from a warehouse or other shipping facility. Therefor, any unnecessary plies/parts (company's tracking inventory sheet, company's copy, and etc) that are not relevant to the customer can be separated and will not be shipped to the customers. In addition, since label 10 can be separated into plurality of pieces, therefore, it would have been obvious to attach only shipping label part (the part that contains customer address) to the package that is needed for shipping, and any other relevant parts/plies (e.g. product description, product quantity, product cost, account information, and etc) to the customer can be separated and placed inside the package. It would have been obvious to one of ordinary skill in the art to only attach the shipping label to the package and not other information (product description, account information, and etc). Doing



Art Unit: 2625

so, it prevents carriers to view the description of the product content and/or user's account information, and etc.

Regarding claims 37-38, Lara further teaches a consumer ordering system communicating (network such as Internet, col. 12, lines 21-45, as taught by Lara obvious allows multiple clients including customer computer, courier computer, supplier/vendors to communicate with one another) the ordering information to the ordering center system.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20, 22-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIERRY L. PHAM whose telephone number is (571)272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/776,956

Page 9

Art Unit: 2625

/Thierry L Pham/

Art Unit 2625

/Edward L. Coles/

Supervisory Patent Examiner, Art Unit 2625